



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/625,518 | 07/24/2003 | John Ernest Oretti | 08505.0017-00000 | 9035 |

7590 07/02/2004
Therese A. Hendricks
FINNEGAN, HENDERSON, FARABOW,
GARRETT and DUNNER, L.L.P.
1300 I Street, N.W.
Washington, DC 20005-3315

| |
|----------|
| EXAMINER |
|----------|

LOPEZ, MICHELLE

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

3721

DATE MAILED: 07/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 10/625,518 | Applicant(s) ORETTI, JOHN ERNEST | |
| | Examiner Michelle Lopez | Art Unit 3721 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>07/24/03</u> . | 6) <input type="checkbox"/> Other: _____ |

49

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed received.

Specification

2. The abstract of the disclosure is objected to because it has legal phraseology such as "means", in line 6. Correction is required. See MPEP § 608.01(b).

Claim Objections

3. Claims 6-7 and 9-11 objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims 6 and 9-11 have not been further treated on the merits.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 6 recites the limitation "relative movement". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 1-7 and 9-11 are rejected under 35 U.S.C. 102(a) as being anticipated by Palm (US 4,682,918). Palm'918 discloses a power tool including a driven member via the chuck "22" that is operable to grip and drive one drill bit (not shown numerically), a power drive means such a motor (not shown numerically) connected to the chuck body part "24" and operates to rotate the chuck "22" via the spindle "18", a selector means via "16", locking means "40" operable to engage the adjustment part "34" and thereby enable the two parts to move relative to one another.

The power tool "10" being operable in either a working mode in which the chuck "22" is driven to enable the drill bit perform work or an adjustment mode in which the chuck "22" is adjusted to grip or release the drill bit (see col. 3, lines 36-45).

The chuck "22" includes a body part "24" with a chuck head "36", and an adjustment part "34" with an adjusting nut via "32", that when in an adjustment mode the body part "24" and the adjustment part "34" are moveable relative to one another to grip or release the drill bit, and the parts "24" and "34" move together in the working mode (see Abstract lines 1-14).

With regards to claim 5, it is deemed that the power tool is in the working mode when the locking means "40" is disengaged from the adjustment part "34", since in this

Art Unit: 3721

mode the lugs "58" of the adjustment part "34" are not locked by the locking lugs "56" of the locking means "40", thereby the adjustment part "34" is enable to rotate in conjunction with the chuck body part "24". Vice versa, the power tool is in the adjustment mode when the locking means "40" is engaged with the adjustment part "34", since in this mode the lugs "58" of the adjustment part "34" are locked by the locking lugs "56" of the locking means "40", thereby the adjustment part "34" is stopped to rotate with the chuck body "24".

With regards to claim 7, since Palm'918 teaches a drill housing enclosing a customary reduction gearing, it is deemed that the driven member "22" is connected to a motor via a gearing assembly.

With regards to claim 11, the rotation of the chuck head "36" relative to the adjustment nut "32" moves two or more jaws "30" to grip or release a drill bit.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

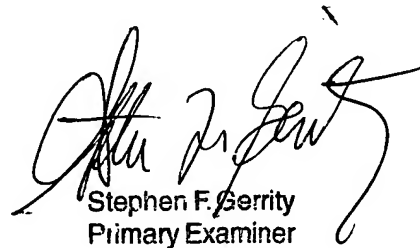
6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Palm'918 in view of Satoh (US 4,892,013). Even when Palm'918 discloses the invention substantially as claimed and further including a customary reduction gearing assembly, Palm'918 does not specifically disclose that the power drive means is operable to drive the body part "24" at either a slow or fast speed caused by a selector means. However, Satoh'013 teaches a variable speed gearing assembly in a rotary electric tool with a motor "2" that is operable to drive a body part (not shown numerically), connected at the vicinity of a spindle "23", at either a slow or a fast speed, wherein the rotational speed is caused by a selector means via "46" for the purpose of providing a variable speed gearing apparatus capable of operates as either a selected slow or fast speed due the power tool driving operation performed. In view of Satoh'013, it would have been obvious to one having ordinary skills in the art to have provided Palm's invention having a variable speed gearing assembly with a motor operable to drive a chuck body part being connected to a rotational spindle, at either a slow or fast speed, wherein the rotational speed is caused by a selector means in order to provide a variable speed gearing apparatus capable of operates as either a selected slow or fast speed due the power tool driving operation performed.

Art Unit: 3721

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sakai'833, Nakamura'643, Rohm'193, Yokota'527, Yokota'908, Salpaka'873, Steadings'521, and Chen'470 are cited to show related inventions.
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle Lopez whose telephone number is 703-305-8205. The examiner can normally be reached on Monday - Thursday: 8:00 am - 6:00 pm.
9. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 703-308-2187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.
10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ML


Stephen F. Gerrity
Primary Examiner